

My name is Nancy de Pastino and I'm a regional manager for Moms Demand Action for Gun Sense in America.

Madame Chair and members of the committee, thank you for the opportunity to speak, for the second time, about this issue. I'm here again to encourage this committee to present a bill that will keep guns out of the hands of the dangerously mentally ill. When I came here in February, we heard from Peter Read, whose daughter Mary was killed at Virginia Tech (along with 31 other people) by someone who had been found by a court to be seriously mentally ill. We also heard from Sonja Woods, whose daughter Catherine was killed by a severely mentally ill man who had been committed to a mental institution. The killers in both of these atrocious crimes were able to buy their guns only because the state failed to report their records to the background checks system. The bill we've been discussing at these committee meetings would tackle this problem head-on—requiring that all of these records be reported and ensuring these individuals can't buy guns.

Today we're here to talk about the relief from disabilities process that will be part of this bill—that's the process by which these individuals can get their gun rights back when they are no longer dangerous. As we have heard, there is federal money available to help states submit these mental health records. But Montana can only receive that money if it passes a relief process that meets federal requirements. That money may prove important for getting these records in quickly, and so a relief process that meets these requirements must be included our new law.

Moreover, it's crucial to write a relief process that works in the right way—so that we do not endanger public safety by inappropriately restoring rights to someone who is still experiencing a serious illness. **With that goal in mind, I wanted to name a few specific points that the process should include.**

What's most important for the relief process is that the judge has enough information to make an informed decision. We can all agree that we don't want someone who has been committed to a mental institution to have their rights restored unless we can be confident that they no longer pose a threat. For this reason, the law should require that the judge hear **testimony from mental health professionals** who have examined the individual. These professionals should assure the judge that the person would not pose a danger with a gun and that they have adhered to the treatment prescribed for them.

Similarly, a judge can only make an informed decision about the person if he or she hears **testimony from character witnesses**. The bill should require a statement from at least three personal references, who can testify that the person does not pose a danger.

Finally, it is important that there be a **passage of time** after a person leaves medical care and before they can seek to have their gun rights restored. The bill should require that five years pass before the person can seek to have their rights returned.

As Ms. Weiss has outlined today, most of our neighboring states do submit mental health records to NICS. And we are so pleased that Montana is now taking responsibility to close the gap in our own law. But the way in which we do it, the details we outline in the bill, can and will make all the difference not only in whether Montana receives federal funding to implement the system, but also in how effective we are at keeping guns out of dangerous hands.

Thank you,
Nancy de Pastino

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